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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
The Use of N11 Codes and Other ) CC Docket No. 92-105  
Abbreviated Dialing Arrangements )

COMMENTS OF THE INFORMATION  
TECHNOLOGY ASSOCIATION OF AMERICA

The Information Technology Association of America ("ITAA"), formerly known as ADAPSO, hereby submits the following comments in response to the Notice of Proposed Rulemaking ("Notice") which the Commission issued in the above-captioned proceeding on May 6, 1992.<sup>1</sup>

As the principal trade association of the computer software and services industry, ITAA has a number of significant concerns about the Commission's proposal to assign abbreviated dialing codes to providers of information services. ITAA's primary concern is the potential for discrimination -- and the resulting disruption of the enhanced services marketplace -- that would result if telephone companies were permitted to make available, and select the users of, only a limited number of abbreviated dialing codes.

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1/ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, FCC 92-203 (released May 6, 1992) [hereinafter "Notice"].

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Any decision which the Commission makes in this general rulemaking will not be limited to BellSouth and Cox Enterprises. It will have ramifications for the parties that are assigned abbreviated dialing codes, as well as for the many more that are denied access to these codes. Because its actions in this proceeding will affect a rapidly developing segment of the enhanced services industry and will establish precedent for future information access schemes, the Commission should look beyond the short term and reject the clamor for the immediate assignment of a very limited number of "N11" codes.

- I. THE COMMISSION SHOULD CONCLUDE THAT THE USE OF "N11" CODES IS NOT THE BEST MEANS OF PROVIDING ABBREVIATED DIALING ACCESS TO ENHANCED SERVICES.

ITAA does not underestimate the enormous value of abbreviated dialing codes to enhanced service providers. Any procedure that eliminates delay and complexity in gaining dial-up access to enhanced services will create a substantial benefit for both the consumers and the providers of these services. The particular value which N11 codes have in this respect, however, must be measured against their utility elsewhere. Bellcore, which administers the North American Numbering Plan ("NANP"), has concluded that the highest and best use of unassigned N11 codes is for future assignment as Service Access Codes ("SACs"). According to

Bellcore, this use of N11 has "the potential for reaching millions of addresses behind the SAC, rather than one."<sup>2</sup>

The "quick-fix" attraction of N11 as a means of providing abbreviated access to information services should therefore be tempered by the realization that the value of N11 access will be extremely narrow and short-lived. Moreover, limiting such "short-cut" dialing to at best six numbers and at worst only four, as proposed by the Notice,<sup>3</sup> would benefit only a very few providers of information services. Worse, it would ensure that the telephone companies reap an unfair competitive advantage in the information services market, as it is highly unlikely that the local exchange carriers ("LECs") would pass up the opportunity to assign one or more N11 codes to their own enhanced service operations. Further, once all of the N11 codes have been assigned (probably a very rapid process), claims of unreasonable discrimination would inevitably ensue.<sup>4</sup> Later, the marketplace itself would suffer, as pressure for new area code numbers requires the withdrawal of N11 codes.<sup>5</sup> Such churning is hardly the best way to

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<sup>2/</sup> See Letter from Ronald R. Connors, Bellcore, to E.W. Stevens, BellSouth, of Jan. 6, 1992, at 2 (included as Exhibit A to BellSouth's Petition for Expedited Declaratory Ruling, filed Mar. 6, 1992).

<sup>3/</sup> Notice at ¶ 12.

<sup>4/</sup> See, e.g., Letter from Ronald R. Connors, supra, at 2 n.2.

<sup>5/</sup> Notice at ¶ 13.

encourage and maintain consumer demand for easily accessible information services.

If the Commission allows the LECs to implement abbreviated dialing to information services using N11 codes, it should ensure that as many of these codes as possible -- including 611 and 811 -- are made available to enhanced service providers. There is no valid reason why scarce N11 codes should be made even scarcer. Telephone companies that use 611 and 811 to provide access to their repair services and business offices can easily satisfy their needs through ordinary seven-digit access. Telephone subscribers would be inconvenienced only minimally, if at all. Telephone customers, after all, make only an occasional repair or service call, whereas dial-up information services are dependent on "return business" and frequent calling.

The Notice does not appear to appreciate the extent to which the scarcity of N11 dialing codes would inflate their value.<sup>6</sup> Making access to information services as easy as access to emergency services (911) or basic directory assistance (411), and then limiting such access to a handful of three-digit numbers, would make these codes extremely valuable. A useful analogy, both in terms of scarcity and value, is a VHF television station's channel number on a cable system. VHF licensees find significant

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6/ See *id.* at ¶ 15 ("these codes may acquire some value") (emphasis added).

value in their low channel numbers. The controversies engendered by so-called "channel positioning" (i.e., when cable systems renumber channel assignments, pushing local stations up the dial) are well known to the Commission.<sup>7</sup>

Seemingly unmindful of how scarcity would affect the value of N11 codes, the Notice tentatively concludes that the "LECs should be permitted to select any reasonable allocation mechanism" for N11 codes.<sup>8</sup> ITAA strongly disagrees. Any selection procedure controlled by the LECs would be rife with the potential for anticompetitive discrimination. "First come, first served" would put the LECs themselves at the head of the line. There would also be sizeable opportunities for "insider trading," enabling the LECs to reward those service providers with which they have established business alliances. Auctions would simply enrich the LECs at the expense of service providers and their customers, and random selection (i.e., lotteries) could potentially foreclose useful and innovative services

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7/ See, e.g., Competition, Rate Deregulation and the Commission's Policies Relating to the Provision of Cable Television Service, 5 FCC Rcd 362, 368 (1989). The Notice refers to a proposal by BellSouth for a six-month notice period to withdraw N11 codes from use if necessitated by NANP requirements. Notice at ¶ 13 & n.6. Imagine the disruption across the country if channels 2, 3, 5, 6, 7, and 8 were pulled from all cable systems after six months' notice and reassigned higher channel numbers. The use of impermanent access codes is not the best means of promoting a mass market for information services and should not be adopted, even as an interim measure.

8/ Notice at ¶ 16.

by granting a strong advantage to an otherwise uninspired service provider.

By no means should the LECs be permitted to award N11 assignments based on their judgment as to which information service providers "propose innovative ways of using the telephone company's network."<sup>9</sup> It is hard to imagine a more partisan set of judges or a proposal which, if implemented, would have greater potential for distortion of the dial-up information services market. The Commission should also make clear that none of the N11 codes currently reserved for telephone company use, including 411, may be used to provide direct or indirect access to LEC-provided enhanced services. The LECs' information service operations should be afforded access to this scarce resource on the same basis as all other enhanced service providers.

Providing abbreviated access to information services solely through N11 codes would convert a valuable network resource into a highly speculative commodity. As the United States Telephone Association has correctly pointed out, "[n]umbering is not a commodity service; numbers within the North American Numbering Plan are a limited resource whose allocation goes to the basic operation of the networks of USTA members."<sup>10</sup> The

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<sup>9/</sup> See id.

<sup>10/</sup> Letter from Martin T. McCue, USTA, to Chairman Sikes of Mar. 27, 1992.

Commission, consistent with its Title I and Title II responsibilities, should oversee how the benefits of this valuable resource are provided to the public. Before prescribing the manner in which N11 codes are assigned, the Commission should solicit public comment on the advantages and disadvantages of various approaches.

In the final analysis, however, the Commission, should recognize that the temporary benefits of utilizing N11 codes to meet the demand for abbreviated dialing access to information services would be more than an offset by the problems which the use of these codes would create. Chief among these problems is the competitive inequity among enhanced service providers that would inevitably result from the allocation of these scarce codes. Information service providers should succeed or fail in the market based on their relative merits, not because they are among the half dozen fortunate possessors of an easily remembered three-digit dialing code. As ITAA explains in the next section of these comments, the Commission should take a more forward-looking approach to abbreviated dialing and adopt a solution that mitigates the problems presented by exclusive reliance on N11 codes.

II. THE COMMISSION SHOULD EXPLORE ALTERNATIVE  
MEANS OF PROVIDING ABBREVIATED DIALING ACCESS  
TO ENHANCED SERVICES.

Rather than wrestling with the knotty problems presented by a very limited number of N11 codes, the Commission should pursue the approach suggested by paragraph 19 of the Notice and explore alternatives to N11 access.<sup>11</sup> It may well be that reprogramming telephone company switches to handle a broader array of abbreviated dialing arrangements will take more time than reprogramming these switches to handle additional N11 codes. ITAA, however, believes that a more broad-based, permanent solution to abbreviated dialing is preferable to a discrimination-prone, interim approach. Indeed, even if the Commission were to adopt a temporary N11 approach, it should also move forward with a more long-lasting approach to abbreviated dialing access.

In this regard, ITAA is encouraged by BellSouth's statements that some 600 "NXX#" dialing arrangements can be made available in approximately the same time frame as N11 code assignments.<sup>12</sup> An NXX# solution would avoid many of the scarcity problems and the potential conflict with NANP requirements associated with N11 codes. Other arrangements,

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<sup>11</sup>/ See Notice at ¶ 19.

<sup>12</sup>/ See Letter from Robert L. Capell, III, BellSouth, to James T. McKnight, Cox Newspapers, of Mar. 4, 1992, at 3 (included as Exhibit A to BellSouth's Petition for Expedited Declaratory Ruling, filed Mar. 6, 1992).



such as those put forward by the Notice, may also be practical.

The Commission should also consider how any short-term action on abbreviated dialing arrangements will affect its long-term goal of promoting information services through Open Network Architecture ("ONA"). Enhanced service providers have requested, since the beginning of the ONA process, nationwide, uniform, seven-digit access numbers as a Basic Service Element.<sup>13</sup> The BOCs, however, have steadfastly refused to honor these requests. Rather than pursuing N11 access, the Commission should direct the BOCs to provide such seven-digit access numbers to enhanced service providers. This would be a far more beneficial step towards building a nationwide information services infrastructure than the introduction of interim three-digit access on a localized basis. It would also help rehabilitate ONA which, to date, has offered enhanced service providers remarkably little in terms of new network services.

The Commission should explore all of these numbering alternatives. The need for abbreviated dialing arrangements is not so desperate that the Commission lacks the flexibility to pause and look into the pool before it dives in. Abbreviated dialing arrangements involve far more than the reprogramming of LEC switches. They raise serious

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<sup>13</sup>/ See Filing and Review of Open Network Architecture Plans, 4 FCC Rcd 1, 64 (1988).

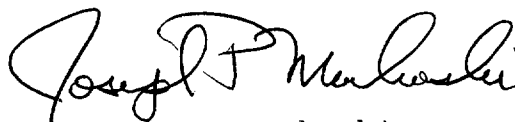
policy issues which should be fully investigated before they are resolved.

III. CONCLUSION

For the reasons set forth above, the Commission should not permit the LECs to assign N11 codes to information service providers for local dial-up access. Rather, the Commission should expand this rulemaking and investigate alternative dialing arrangements that are capable of serving a much greater number of enhanced service providers. If the Commission does decide to permit the assignment of N11 codes to information service providers, it should issue another public notice and solicit comment on the measures that should be employed to ensure the nondiscriminatory allocation of N11 codes.

Respectfully submitted,

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